IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 32570 of 2007(B)

PETITIONER:

E.VINOD KUMAR,
S/O JANARDHANAN NAIR,
LAKSHMI NIVAS,
NEAR COMMUNITY HEALTH CENTRE,
P.O.NILESHAWAR, PEROLE,
KASARAGOD DISTRICT.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.MADHU

RESPONDENTS:
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1. **THE DIRECTOR GENERAL OF POLICE,**
THIRUVANANTHAPURAM.

2. **THE INSPECTOR GENERAL OF POLICE,**
CRIME BRANCH, THIRUVANANTHAPURAM.

3. **THE MANAGER,**
UNITED INDIA INSURANCE CO. LTD.,
KANHANGAD, KASARAGOD.

4. **M/S. SOBHA TEXTILES,**
REPRESENTED BY ITS MANAGING PARTNER,
SRI. K.ABDULLA, KANHANGAD,
KASARAGOD DISTRICT.

5. **SRI. U.V.ABDUL RAHIMAN**,
S/O K.P.KUNHABDULLA, PATLAM, PARAPPA P.O.,
ANANDESWARAM VIA., KASARAGOD DISTRICT.

BY SR. GOVT. PLEADER SMT. K. MEERA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.M. JOSEPH, J.

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W.P.(C) No.32570 of 2007

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Dated this the 17th day of December, 2007.

JUDGMENT

H.L.DATTU, CJ,

Petitioner before us claims that he is a public spirited citizen. In the petition, it is alleged that an insurance policy had been taken by M/s.Sobha Taxtiles, Kanhangad prior to the inaguration of the textile showroom. Firstly, it is alleged that a property, having an extent of 11.27 acres situate in Parappa Village of Hosdurg Taluk, valued at Rs.20 Lakhs by an approved Valuer, has been mortgaged with Andhra Bank, Kanhangad Branch by the power of attorney holder of the firm and had obtained a loan of Rs.70 Lakhs. It is further alleged that the Bank had not made proper enquiries before the sanctioning of the loan.

2. The petitioner further states that within nine months of inaguration of the Textile showroom, that is on 31.5.2005, there was a breakup of fire and the entire stock in the Textile showroom was burnt and the inspection conducted by the Electrical Inspector revealed that there was no short circuit as claimed by the firm. It is also stated that a crime has been registered and investigation by police is going on.

3. According to the petitioner, there is collusion between the partners of the firm and the Insurance Company, and therefore the Insurance Company has parted with huge sums of money to the firm. It is further stated that the police are not investigating into the crime, that has been registered, since there has been influence by the partners of the firm and the higher ups in the Police

Department. Therefore, petitioner requested this court to direct the first respondent in the writ petition, namely, the Director General of Police, Thiruvananthapuram, to entrust the investigation regarding the complaint made by the petitioner through the Crime Branch and further to direct the second respondent to conduct a thorough and meaningful investigation into the allegations of fake insurance claim made by the partners of the firm.

4. When the matter was posted before this court for admission, we had directed the learned Government Pleader to secure appropriate instructions from respondents 1 and 2.

5. The matter is now posted for admission today once again.

6. On instructions, the learned Government Pleader, Smt. K.Meera, would submit that initially the investigation has been done by the Sub Inspector of Police attached to Hosdurg Police Station and since investigation done by the Sub Inspector of Police was not satisfactory, the Director General of Police, Thiruvananthapuram has now entrusted the investigation to the Circle Inspector of Police, Hosdurg. It is further stated that the Circle Inspector of Police has almost completed the investigation, except the polygraph test and obtaining a report from the Electrical Inspector.

7. Having heard learned counsel for the parties to the lis, we are of the opinion that the first respondent is taking effective steps to conduct investigation regarding the complaint lodged by the petitioner. At this stage, it may not be necessary to direct the first respondent to entrust the investigation to the Special Crime Branch or to any other agency.

8. In view of the above, for the present, we dispose of the writ petition and if, for any reason, the petitioner is not satisfied with the investigation done by the Circle Inspector of Police, he is at liberty to approach the appropriate forum for appropriate reliefs. With this observation, the writ petition is disposed of.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

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